



\$ RCE
2681
#15
LB
9/8/03

PTO/SB/30 (01/03)

Approved for use through 04/30/2003. OMB 0651-0031
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Request For Continued Examination (RCE) Transmittal

Address to:
Commissioner for Patents
Box RCE
Washington, DC 20231

Application Number	09/600,458
Filing Date	August 14, 2000
First Named Inventor	Andreas Sasse
Art Unit	2681
Examiner Name	S. Sharma
Attorney Docket Number	RBL0064

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. Submission required under 37 CFR 1.114

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- a. ☐ Previously submitted
- i. ☐ Consider the amendment(s)/reply under 37 CFR 1.116 previously filed on JUL 31 2003
(Any unentered amendment(s) referred to above will be entered).
- ii. ☐ Consider the arguments in the Appeal Brief or Rely Brief previously filed on Technology Center 2600
- iii. ☐ Other _____
- b. ☒ Enclosed
- i. ☐ Amendment/Reply
- ii. ☐ Affidavit(s)/ Declaration(s)
- iii. ☐ Information Disclosure Statement (IDS)
- iv. ☒ Other Request for Continued Examination under 37 C.F.R. 1.114 and Response

2. Miscellaneous

- a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)
- b. ☐ Other _____

3. Fees

- The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.
The Director is hereby authorized to charge the following fees, or credit any overpayments, to
- a. ☒ Deposit Account No. 02-0385
- i. ☐ RCE fee required under 37 CFR 1.17(e)
- ii. ☐ Extension of time fee (37 CFR 1.136 and 1.17)
- iii. ☒ Other Any additional fees
- b. ☒ Check in the amount of \$ 750.00 (Check #331846) enclosed
- c. ☐ Payment by credit card (Form PTO-2038 enclosed)

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type)	Dennis S. Schell	Registration No. (Attorney/Agent)	48,696
Signature	<i>Dennis S. Schell</i>	Date	July 25, 2003

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner For Patents, Box RCE, Washington, DC 20231, or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Name (Print/Type)	Dennis S. Schell	Date	July 25, 2003
Signature	<i>Dennis S. Schell</i>		

Page 1 of 2

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Box RCE, Washington, DC 20231.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.



PTO/SB/17 (05-03)
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FEE TRANSMITTAL for FY 2003

Effective 01/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 750.00

Complete if Known

Application Number	09/600,458
Filing Date	August 14, 2000
First Named Inventor	Andreas Sasse
Examiner Name	S. Sharma
Art Unit	2681
Attorney Docket No.	RBL0064

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JUL 31 2003
Technology Center 2600

METHOD OF PAYMENT (check all that apply)

☒ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None

☒ Deposit Account:

Deposit Account Number
Deposit Account Name

02-0385

Baker & Daniels

The Director is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☒ Credit any overpayments

☒ Charge any additional fee(s) during the pendency of this application

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	750	2001	375	Utility filing fee	
1002	330	2002	165	Design filing fee	
1003	520	2003	260	Plant filing fee	
1004	750	2004	375	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	
SUBTOTAL (1)					(\$) 0

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims 12 -20** = 0 x 0 = 0
Independent Claims 1 -3** = 0 x 0 = 0
Multiple Dependent 0 = 0

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1202	18	2202	9	Claims in excess of 20	
1201	84	2201	42	Independent claims in excess of 3	
1203	280	2203	140	Multiple dependent claim, if not paid	
1204	84	2204	42	** Reissue independent claims over original patent	
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent	
SUBTOTAL (2)					(\$) 0

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for <i>ex parte</i> reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	410	2252	205	Extension for reply within second month	
1253	930	2253	465	Extension for reply within third month	
1254	1,450	2254	725	Extension for reply within fourth month	
1255	1,970	2255	985	Extension for reply within fifth month	
1401	320	2401	160	Notice of Appeal	
1402	320	2402	160	Filing a brief in support of an appeal	
1403	280	2403	140	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,300	2453	650	Petition to revive - unintentional	
1501	1,300	2501	650	Utility issue fee (or reissue)	
1502	470	2502	235	Design issue fee	
1503	630	2503	315	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	750	2809	375	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	750	2810	375	For each additional invention to be examined (37 CFR 1.129(b))	
1801	750	2801	375	Request for Continued Examination (RCE)	750.00
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify) _____

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) 750.00

SUBMITTED BY

(Complete if applicable)

Name (Print/Type)	Dennis S. Schell	Registration No. (Attorney/Agent)	48,696	Telephone	317-237-1117
Signature		Date	July 25, 2003		

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PATENT
RBL0064

#19
LB
8/8/03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of)
Andreas Sasse)
Serial No. 09/600,458)
Filed: August 14, 2000)
Title: METHOD FOR TERMINAL)
ASSISTED MENU PRESENTATION)
OF ADDED VALUE SERVICES IN)
MOBILE COMMUNICATION SYSTEMS)

Group: 2681

Examiner: S. Sharma

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JUL 31 2003

REQUEST FOR CONTINUED EXAMINATION ^{Technology Center 2600}
UNDER 37 C.F.R. §1.114 AND RESPONSE

MAIL STOP RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the final Office Action dated April 25, 2003, please receive this Request for Continued Examination (RCE) Under 37 C.F.R. §1.114, and Response to the Office Action in the above-identified application. Applicant submits herewith a check in the amount of \$750.00.

Regarding the rejection of claims 1-12 under 35 U.S.C. §103(a) over Lehtonen, WO 97/32439, in view of Segur, U.S. 6,212,550, Applicant submits that claim 1 and claims 2-12 which depend therefrom are nonobvious over the cited references.

Lehtonen discloses a communication network terminal for communicating user messages and supporting a plurality of applications (abstract); information which is received from a network operator and which is required to use an application, such as a phone number or Internet protocol address (page 12, lines 11-32); menu commands which produce functions in a terminal, for example, querying a timetable of certain flights (page 20, lines 30-34); and a mobile communications process for receiving information relating to an application; *i.e.*, receiving, demodulating, deciphering, de-interleaving, and decoding (page 31, lines 31-38).

Segur discloses a communication system including a client-server which automatically converts messages from a first format to a second format, the client-server

sensing the communication data format required for a receiving device, and the client-server converting communication messages to the required data format (column 2, lines 18-26).

In contrast, Applicant teaches a method for downloading objects, including executable programs, functions, and/or data, from a mobile communication network to a mobile station via a wireless interface. The objects are stored in an object center of the mobile communication system from where they are called up and loaded into the mobile station. The objects are used to generate and display a menu for value-added services available to the mobile station.

Applicant's claim 1 calls for the step of verifying with the object the technical capabilities of the mobile station and the objects automatically adapting to the technical capabilities of the mobile station. Additionally, Applicant's claim 1 calls for the step of subsequently selecting and loading into the mobile station an object suitable to the technical capabilities of the mobile station, and the technical capabilities of the mobile station being stored in a special database.

Neither Lehtonen nor Segur individually or in combination teach or suggest an object or mobile station performing the steps called for by Applicant's claim 1. Lehtonen only discloses a terminal which receives information necessary to use an application from a network operator. As the Examiner has pointed out, Lehtonen does not disclose an object which verifies the technical capabilities of the mobile station and automatically adapts to the technical capabilities of the mobile station. Additionally, Lehtonen does not disclose or suggest the step of subsequently selecting and loading into the mobile station an object suitable to the technical capabilities of the mobile station, the technical capabilities of the mobile station's being stored in a special database. In contrast, Lehtonen only discloses storing and receiving application-related information in an application which is capable of creating menus in the communications terminal according to a received message (page 3, lines 20-23; page 13, line 37 - page 14, line 2).

Segur also does not disclose the above-cited recitations of Applicant's claim 1. As the Examiner has pointed out, Segur discloses receiving a request from the user and the client-server converting the message into a data format of the subscriber device and then transmitting the message to the subscriber unit. As noted in Fig. 1 of Segur, the conversion of format relates to converting a message from one typical electronic device communication

format to another, such as converting an incoming e-mail message to a voice message or converting an incoming voice message to an e-mail message. Segur specifically teaches that client-server 10 senses the communication data format and converts the messages (column 2, lines 18-26).

In contrast, Applicant's claim 1 calls for the object which is loaded in the mobile station verifies the technical capabilities and adapts to the technical capabilities of the mobile station, and the technical capabilities are stored in a special database. Thus, Segur teaches a communication system in which the client server and not a component of the mobile station senses a communication data format and converts messages.

Additionally, Applicant's invention is not related to converting the format of a message such as voice to e-mail, but adapting the presentation to the capabilities of the mobile station, such as the size of the display, black and white or color (substitute specification, page 2, last paragraph), and the objects initiating modifications, for example, for updating a menu structure (substitute specification, page 3, second full paragraph).

For example, a mobile station of Type "A" has a 200 x 160 pixel color display, whereas a mobile station of Type "B" has a 160 x 100 pixel black and white display. The data regarding the individual technical capabilities of the exemplary mobile stations of Types "A" and "B" are stored in a corresponding database. When a data object is loaded into the mobile station, the technical capabilities database is interrogated and the appropriate object is selected according to the technical capabilities of the specific mobile station. For example, an object loaded into a mobile station of Type "A" contains a menu structure which supports a color display format and a display resolution of 200 x 160 pixels.

Applicant therefore submits that claim 1 and claims 2-12 which depend therefrom are not obvious over Lehtonen in view of Segur.

In view of the foregoing, Applicant further submits that the application is in condition for allowance and such favorable action is respectfully requested. In the event any additional extension of time or payment of fee is required, Applicant hereby conditionally petitions therefor and authorizes any charges to be made to Deposit Account No. 02-0385 Baker & Daniels.

PATENT
RBL0064

Should the Examiner have any questions or suggestions that would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at (317) 237-1117.

Respectfully submitted,



Dennis S. Schell
Registration No. 48,696

Attorney for Applicant

DSS:jak
BAKER & DANIELS
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Facsimile: 260-460-1700

Enc. Return postcard
Check #331846 for \$750.00

CERTIFICATION OF MAILING

I HEREBY CERTIFY that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: MAIL STOP RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on July 25, 2003.

DENNIS S. SCHELL, REG. NO. 48,696

Name of Registered Representative



Signature

July 25, 2003

Date